

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CASE NO. 1:16-CV-00251-RLV**

DONNA C. STEWART,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>ORDER</u></b>
	)	
NANCY A. BERRYHILL,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	

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The Defendant, Nancy A. Berryhill, Acting Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with a remand of the case for further administrative proceedings. (Doc. 12). In her motion, Defendant represents that Plaintiff's counsel consents to the Motion for Remand. Plaintiff has not filed a response to Defendant's motion, and the time to file a response has elapsed.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions, this Court **GRANTS** Defendant's Motion for Remand (Doc. 12) and **REVERSES** the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the case to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Furthermore, in light of Plaintiff's consent to Defendant's Motion for Remand, Plaintiff's Motion for Summary Judgment (Doc. 9) is **DENIED** as moot.

Signed: March 15, 2017



Richard L. Voorhees  
United States District Judge

